
Appeal Decision

Site visit made on 28 January 2020

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 March 2020

Appeal Ref: APP/Y1945/W/19/3239114

Rear of 250 St. Albans Road, Watford, Herts WD24 4AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Watford Homaid against the decision of Watford Borough Council.
 - The application Ref 19/00898/FUL, dated 5 August 2019, was refused by notice dated 7 October 2019.
 - The development proposed is change of use of workshop / office to dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has submitted additional information that was not before the Council when it determined the application. This comprises a sectional elevation drawing through the appeal building, along with explanatory text that seeks to demonstrate the proposal's compliance with space standards. In considering whether to accept this information, I have had regard to the Wheatcroft Principles¹.
3. The information does not amend the scheme, rather seeks to clarify the areas that exceed the headspace requirements. The Council would have seen this information as part of the appeal and would have had an opportunity to comment on it. Moreover, the information does not materially alter the scheme or result in any change to its appearance, whilst I do not consider that any party would be prejudiced if I accept this information. Accordingly, I have made my assessment based on the additional details provided.

Main Issues

4. The main issues of this appeal are:
 - Whether or not the proposed bedrooms comply with local and national internal space standards, and whether or not they would affect the living conditions of future occupiers, with particular regard to outlook and loss of daylight; and

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]. This decision has since been confirmed in Wessex Regional Health Authority v SSE [1984] and Wadehurst Properties v SSE & Wychavon DC [1990] and Breckland DC v SSE and T. Hill [1992].

- Whether the proposed external space arrangements would provide adequate living conditions for future residents, with particular regard to the amount of amenity space and outlook.

Reasons

Internal Space

5. The appeal site comprises a detached building located to the rear of No 250 St. Albans Road. Its front elevation faces onto the short service road located off Cromer Road, that provides rear access for a number of properties fronting Cromer Road, St. Albans Road and Balmoral Road.
6. The appeal proposal would, within the vaulted roof space of the building, incorporate two bedrooms and a bathroom. Each room would be served by a single roof light inserted into the south facing roof plane. A small external area reserved for private amenity, bike and refuse storage would be provided to the immediate east of the building.
7. The Council's Residential Design Guide² (RDG) states that all residential properties need to provide enough internal space to allow varied domestic activities to take place comfortably. The RDG provides minimum internal space standards for bedroom sizes and storage areas to ensure that new homes will meet the needs of occupiers in the long term. These standards largely mirror those set out in government policy³. For single bedrooms, a minimum floor area of 7.5m² is required and should include a minimum width of 2.15m, whereas for double or twin bedrooms the corresponding dimensions are 11.5m² and a minimum width of 2.75m. There is no specific headroom dimension prescribed to bedroom area standards, however, the guidance states a minimum floor to ceiling height of 2.3m for at least 75% of the gross internal area of the dwelling should be provided.
8. Compliance with the local and national internal bedroom standards would satisfy future occupiers needs in terms of functional space, nonetheless I do not consider that this precludes a further assessment of bedroom space in terms of the effect on the living conditions of future occupiers.
9. Paragraph 8.4.1 of the RDG, states that effects on amenity may comprise amongst other considerations a reduction in levels of daylight and sunlight to main windows of habitable rooms, and an increase in the sense of enclosure experienced within a habitable room or a garden. Although this part of the guidance relates to the effect on the amenity of neighbouring occupiers, I consider it is equally relevant to future occupiers of a dwelling. Moreover, the National Planning Policy Framework requires that in achieving well designed places, development should ensure a high standard of amenity for existing as well as future users.
10. In their assessment of the proposed bedrooms, the Council state that they do not meet the space standards as a 2.3m ceiling height for 75% of the bedroom floor area has not been achieved. However, this is an incorrect interpretation of the guidance, which clearly states that this ratio is a requirement for the gross floor area of the dwelling, not for individual bedrooms. The information

² Residential Design Guide, Adopted – July 2014; Amended – August 2016.

³ Technical Housing Standards – Nationally Described Space Standards, March 2015, Department for Communities and Local Government.

submitted demonstrates that each bedroom exceeds the minimum floor area and width respectively for single and double bedrooms as required by the local and national space standards. Moreover, I am satisfied that the gross internal floor area with a ceiling height over 2.3m meets the 75% minimum.

11. The window that would serve each bedroom would be south facing and would allow light to enter. However, the windows have a limited size and would be inserted into the angled profile of the southern roof slope of the appeal building. The windows positioning close to the eaves of the roof and their dimension relative to the size of each bedroom would result in future occupiers being subjected to a spatial environment that would, in my view, have an inadequate level of exposure to natural light. Moreover, views out of the rooms would be restricted due to the angle and height they would be positioned within each bedroom. This, in my view, severely limits the outlook from each bedroom.
12. The profile of the vaulted ceiling that contains the bedrooms gradually reduces the internal ceiling height towards the eaves, therefore restricting the amount of headroom to central areas within each room. Consequently, the physical constraints imposed by the internal roof structure, would have the effect of enclosing the space in each bedroom, such that future occupiers would be subjected to a claustrophobic living environment that would harm their outlook.
13. I therefore conclude that whilst the proposed bedrooms meet local and national space standards, the physical characteristics of each bedroom would have a detrimental effect on the living conditions of future occupiers with particular regard to their outlook and loss of daylight. The appeal scheme would therefore run contrary to Policy SS1 of the Watford Local Core Strategy 2006-31 (Core Strategy) which requires amongst other matters for developments to have high standards of design and to protect residential amenity. The proposal would also conflict with the RDG.

External Space

14. The Council's RDG states at Paragraph 7.3.22 that new residential developments comprising 2 bedrooms will be expected to provide a minimum area of private outdoor amenity space of 50m². The guidance also refers to the space standards for flatted developments, however, as the appeal scheme would comprise a detached residential dwelling, I have not had regard to this.
15. In the case of the appeal scheme, the 17m² indicated by the appellant falls significantly short of the minimum standard. I consider that the amount of external private space allocated to the dwelling would be modest for a 2-bedroom home that might house a family. The dimensions of the area serving the dwelling result in a restricted space with limited functionality. The space would be constrained further by the proposed bike/bin storage area along with expected garden paraphernalia such as tables and chairs.
16. The Council state that the sub-standard external space arrangements referred to in their case would manifest in "substantial harmful effects on the amenities of future occupiers", although they have not provided any specific reasons on the effect of this. Be that as it may, I observed during my site visit that the area earmarked for external amenity space is surrounded by a breeze block wall on three sides, in addition to the high flank wall of the appeal building. These physical structures, due to their height and proximity would combine to

create an oppressive boundary around the space, enclosing it unduly and harming the outlook of future users. Moreover, the presence of the bin and bike storage areas and other domestic paraphernalia would crowd the space and further exacerbate the loss of outlook that would be experienced by residents.

17. Whilst parks and recreation grounds nearby could be used for outdoor amenity purposes, I do not consider these would address the expectations future residents would have for an area of private outdoor space, or adequately address the shortfall in the area of space provided.
18. I have been referred to examples of residential development approved by the Council and at appeal, that provided no external amenity space. However, I have not been presented with the full details of these cases or the policies and the associated development plan they were assessed against, in justifying the lack of amenity space in these instances. I also do not know if some of these were flats or dwellings given that there could be space standards relating to each. Therefore, I am not able to draw any direct comparison between the appeal scheme and these examples given.
19. Consequently, I conclude that the proposed external space arrangements would have a harmful effect on the living conditions of future residents in terms of the substandard dimensions and the effect on their outlook. It would therefore fail to accord with Policy SS1 of the Core Strategy which requires amongst other matters, new developments to have high standards of design and to protect residential amenity. The proposal would also fail to accord with the RDG.

Other Matters

20. A number of concerns have been received from neighbouring residents that relate to inadequate car parking, over development of the site and the effect on neighbouring living conditions. However, as I am dismissing this appeal on other grounds, I have not considered these matters further.
21. There are concerns about how the application was handled by the Council. However, this is an issue between the relevant parties and has not formed part of my assessment.

Conclusion

22. For the reasons given above and taking into account the other matters raised, I conclude that the appeal should be dismissed.

R. E. Jones

INSPECTOR